

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

12/08/05 P 2:10

Joseph Bey, Jr.,  
Petitioner, Plaintiff,

vs.

United States Department of Justice,  
Respondent, Defendant,

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Civil No. 05-11757-REK

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Criminal No. 96-10178-REK

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**PETITIONER'S TRAVERSE TO RESPONDENT'S OPPOSITION TO MOTION FILED  
PURSUANT TO 28 U.S.C. § 2241**

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Now Comes Joseph Bey, Jr. proceeding In propria persona, in the above styled action and numbered cause, to be referred herein after as "Petitioner," respectfully moving this most honorable court with his Traverse of the Respondent's opposition to motion to correct and/or modify the judgment of conviction and sentence, pursuant to the provisions of 28 U.S.C. § 2241.<sup>1</sup> In support of this motion for relief the petitioner hereby avers as follows:

The petitioner has raised a claim under the provisions of Title 28 U.S.C. § 2241, after exhausting his administrative remedies, in the Federal Bureau of Prisons ("FBOP"), to challenge and correct the effect of events that became apparent 'subsequent' to his conviction and imposition of sentence. Section 2241, has been established as a separate statutory enactment, as such it is entitled to its own reading, and should not be constrained by case law previously articulated for §§ 2254 and 2255 cases. The need for deterrence to adverse actions in a prison environment is paramount, and 2241 is a continuing mandate from Congress, that insures all

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<sup>1</sup> 28 U.S.C. § 2248 states: "The allegations of a return of the Habeas Corpus or an answer to an order to "Show Cause" in a Habeas proceeding if not traversed shall be accepted as true."

sentences be carried out appropriately, and in accordance with the constitutional protections provided.

The Department of Justice ("DOJ"), through its subordinate Federal Bureau of Prisons ("FBOP"), has prosecuted an action of which the United States Attorney concedes with. This action adversely affects the manner in which the petitioner's sentence is being carried out. The power and authority of the court generally, under proper circumstances, judgments of a court of record are subject to be opened up, modified, corrected, set aside and vacated. The power of the court so to act has always been exercised in the judicial discretion of the court. Here, petitioner has invoked jurisdiction of the court to so act pursuant to a writ of habeas corpus under §§ 2241 and 1331.<sup>2</sup>

#### **THE GOVERNMENT'S ATTEMPT TO RECHARATERIZE PETITIONER'S PLEADING INTO THAT OF AN ACTION UNDER § 2255 LACK MERIT**

The matter of recharacterization of a pro se prisoner's pleading has been addressed on a number of occasions, by the Circuit Courts.<sup>3</sup> All of these courts have reasoned that a pro se petitioner "[h]aving dictated the terms of engagement was entitled to have his motion decided as he framed it."<sup>4</sup> Raineri v. United States, 233 F.3d 96 (1<sup>st</sup> Cir. 2000), confirmed that a conversion, initially justified because it harmlessly assisted the prisoner-movant in dealing with the legal technicalities, may result in a disastrous deprivation of a future opportunity to have a well-justified grievance adjudicated. The courts own act of conversion which was approved under the

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<sup>2</sup> 28 U.S.C. § 2241 is the proper avenue, where petitioner has exhausted his administrative remedies, regarding actions of the prison system; thereby seeking the issuance of a writ of habeas corpus to correct said adverse action.

<sup>3</sup> See Pratt v. United States, 129 F.3d 54, 58 (1<sup>st</sup> Cir. 1997) (discussing statutory regime); United States v. Miller, 197 F.3d 644 (3rd Cir. 1999); United States v. Kelly, 235 F.3d 1238 (10<sup>th</sup> Cir. 2000); and Adams v. United States, 155 F.3d 582 (2<sup>nd</sup> Cir. 1998).

<sup>4</sup> Mr. Bey did not contest either the basis or the length of his confinement, but complained about the conditions of his confinement. Jurisdiction is also grounded in 28 U.S.C. § 1343(3).

pre AEDPA law because it was lawful and harmless, might under AEDPA's new law, become extraordinarily harmful to a prisoner's rights.

Under AEDPA, the practice of liberal characterization that once opened doors of the federal courts to pro se litigants, now threatens unintentionally to close them shut. Federal Courts have long recognized that they have an obligation to look behind the label of a motion filed by a pro se inmate and determine whether the motion is, in effect, cognizable under a different remedial statutory framework. This obligation stems from the time honored practice of construing pro se plaintiff's pleadings liberally.<sup>5</sup>

**ACTIONS OF THE FBOP PROVIDE A VIABLE FOUNDATION FOR PETITIONER'S LEGAL ENTITLEMENT CLAIM TO DUE PROCESS UNDER § 2241**

The petitioner has argued that decisions contrary to assurances made by DOJ officials and adverse to his liberty interest, have justified the action currently before this court. Attached and incorporated by reference, is a documented record of "Custody Classification" events, which will affirmatively establish petitioner's claim to the FBOP assured entitlement. This argument is premised on the fact that petitioner was told verbally, and through writing,<sup>6</sup> that he would be able to earn custody level reductions for demonstrating a positive institution adjustment and rehabilitation, which would afford him eventual "camp" placement. To earn these reductions he would have to "comply with established program objectives by maintaining clear conduct; demonstrating a positive personal growth, by taking Adult Continuing Education courses; obtain good work performance ratings; and complete payment for his Court imposed Special Assessment, through the Financial Responsibility Program ("FRP").

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<sup>5</sup> See Haines v. Kerner, 404 U.S. 519, 520 S.Ct. 594, 30 L.Ed 2d 652 (1972) ("[A]llegations such as those ascertained by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence").

<sup>6</sup> During mandatory "Unit-Team" classification meetings, documents were provided to Mr. Bey, which supports his belief in the earning of minimum custody ("camp") placement.

Upon completing the designation, and petitioner's transport to his parent institution (Federal Correctional Institution ("FCI") Ray Brook, New York), an initial custody classification was scored by the unit team. DOJ officials instructed petitioner, that he had been scored as a "High Security" level inmate, with 25 points,<sup>7</sup> and that FCI Ray Brook was a "Medium High" custody level prison.<sup>8</sup> At this time petitioner was instructed that his custody point would gradually be lowered, so that he could earn the minimum custody placement he desired.

Because of the High security level placed in him, the case manager instructed petitioner, that a "Management Variable" had to be placed on him in order to keep him at FCI Ray Brook, instead of transferring him to a maximum security penitentiary.<sup>9</sup> By carefully following the accompanying "Custody Classification" exhibits herewith, we can see that petitioner began with 25 custody level points (from July 1998 to July 1999). On or about July 31, 1999 petitioner's points were reduced to 21. On July 28, 2000, a "Program review" as well as subsequent ones, demonstrates that petitioner has maintained his program obligations. The portion entitled "Long Term Goals," supports petitioner's expectation of "reduced security level."

On or bout February 8, 2000, petitioner's custody points were reduced from 21 to 9, and the "Management variable" was removed. In fact, the work performance report from the prison

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<sup>7</sup> An inmate's initial custody classification shall be scored at the first program review following initial classification (approximately 7 months after arrival at an institution). Subsequent reviews shall occur at least every 12 months, but may be conducted earlier in order to enable **progress toward community activities**. Custody classification shall ordinarily occur in conjunction with every second program review See [PS 5100.07 Ch.8, page 1]. (Emphasis mine)

<sup>8</sup> Security level used to describe the structural variables and inmate-to staff ratio provided at the various types of Bureau institutions (i.e., Minimum, Low, Medium, High). It also identifies the institution type required to house inmates based on their histories, institutional adjustment, and Public Safety Factors as well as the physical security of the institution to include mobile patrols, gun towers, perimeter barriers, housing, detection devices, inmate to staff ratio, and internal security. See [PS 5100.07 Ch. 2, page 5].

<sup>9</sup> Management variables reflect and support the professional judgment of Bureau staff to ensure the inmates placement in the most appropriate level institution. Management variables are required when placement has been made and/or maintained at an institution level inconsistent with inmates security score ..." See [PS 5100.07 Ch 2, page 3].

tool Room,<sup>10</sup> states petitioner was an “excellent worker.” The “Long term section in this document also reflects “Reduce Custody/Security levels complete FRP obligation.” On or about February 6, 2001, the custody points were reduced yet again, from 9 to 7 points, which scored petitioner as a “low security level inmate.” This document additionally reflects an emphasized section that states “ \* you are now a low level inmate, will consider X-fer (Sic) to low level facility (Ft. Devens).” Petitioner was congratulated at this time by his unit team, for his efforts to reduce his custody level, and instructed that maintaining these efforts would eventually afford him camp placement.

After arriving at the Federal Medical Center (“FMC”) Devens, in Ayer, Massachusetts, petitioner’s custody level was reduced to 6 points, for demonstrating a continuing effort to maintain his program responsibilities. On September 10, 2002, a document was given to petitioner, informing him that he had met his FRP obligation to the court. On or between September 13, 2004, and February 2005, petitioner inquired as to why his custody level had not been further reduced. He was then instructed by his case manager, that his custody level will never go below 6 points, because of a Public Safety Factor Variable (“PSFV”) Greater Severity placement, derived from the “enhancement for the Leader/Organizer role and drug amount attributed in the Presentence Investigation Report (“PSR”).<sup>11</sup>

It is argued that constitutionally protected ‘liberty interest’ in custody and confinement classifications are created by regimes which in the effectively say: “If fact A, B, and C are established in an appropriate fact finding process, you are thereupon legally entitled to a more

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<sup>10</sup> The institution tool room is where all of the mechanical service department’s tools are kept and issued. An inmate must demonstrate trust, and be cleared by the Warden, Captain, Security Investigative Services (SIS) and his unit team.

<sup>11</sup> Mr. Bey was not aware of this change in his custody status determination until after the Memorandum of the DOJ, and the Supreme Court’s decision in United States v. Booker, \_\_\_ U.S. \_\_\_, 125 S. Ct. 738, 160 L. Ed 2d 621 (2005).

favorable security custody classification than you presently have." See Slezak v. Evatt, 21 F.3d 590 (4<sup>th</sup> Cir. 1994). Its effect must be to "plac[e] substantive limitations on official discretion to "legitimate claim[s] of entitlement," to classification sought and administratively denied.<sup>12</sup> With this line of reasoning, petitioner can effectively demonstrate "legal entitlement" to due process, within the protective guards of the United States Constitution, and "legal entitlement" to a standard of proof that maintains a constitutional degree of correctness is to be exercised by the FBOP, in determining the manner in which the sentence will be carried out.<sup>13</sup>

The written record attached herewith, aids petitioner's demonstration of the DOJ asserted entitlement.<sup>14</sup> Justification for the PSFV by the DOJ (FBOP and U.S. Attorney's Office), is said to be factored from the enhancement portion of the PSR, which it could reasonably be argued was invalidated by the Supreme Court with the Blakely/Booker, pronouncement.<sup>15</sup> If the Court as reasoned in Blakely/Booker, is without authority to impose the enhanced penalties in question, then arguably so, the same should hold true for the FBOP's acts subsequent to the imposition of the sentence, to apply additional enhanced penalties based on the very means. Especially after the DOJ acknowledgment of the implications of Booker, in its Memorandum dated December 3, 2004.<sup>16</sup>

Petitioner is exercising his right to take the appropriate action the Office of General Counsel of the DOJ has recommended. The DOJ has, and will continue to interpret the enhancement factors in the present PSR, to apply the PSFV against petitioner, up and until this

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<sup>12</sup> Also See Lanier v. Fair, 876 F.2d 243 (1<sup>st</sup> Cir. 1989); and Brennan v. Cunningham, 813 F.2d 1 (1<sup>st</sup> Cir. 1987).

<sup>13</sup> Mr. Bey asserts that without the PSFV Greater Severity, his custody level points would be below 5 points (possibly 2 points at this time), based on what he was led to believe would bring him closer to progressing towards community based activities. See [PS 5100.07 Ch. 8, page 1 (1/31/2002)].

<sup>14</sup> The DOJ unit team removed this assurance and understanding in 2005, based upon its enhancement to "Leader/Organizer, and quantity of drugs listed in his PSR."

<sup>15</sup> Blakely v. Washington, 124 S. Ct. 2531 (2004); and United States v. Booker, \_\_\_ U.S. \_\_\_, 125 S. Ct. 738, 160 L. Ed 2d 621 (2005).

<sup>16</sup> See copy of Memorandum incorporated in the original § 2241 pleading.

honorable court moves to grant a resentencing. It is reasonably asserted that this pleading is properly before this Court to grant the relief under 28 U.S.C. § 2241. This would then afford the Probation Department the opportunity to make the appropriate corrections, in the interest of fairness and justice.<sup>17</sup>

**THE DEPARTMENT OF JUSTICE'S READING AND INTERPRETATION OF THE PSR WHICH JUSTIFIED THE PSFV OF GREATEST SEVERITY IS IN ERROR AND RELIEF IS WARRANTED**

Petitioner argues that DOJ officials have caused him to be denied a “liberty interest” concern, resulting from information inaccurately interpreted and derived from the PSR, or deemed unconstitutionally applied, in violation of the Sixth Amendment of the United States Constitution. At present, the PSR is being interpreted to the point where the DOJ has actually provided an incorrect reading of the “role in the offense” enhancements, by attributing the “Leader/Organizer” role, combined with conflicting drug amounts.<sup>18</sup> The operational classification regulations being exercised by the DOJ, through interpreting the PSR is void of the link between the substantive predicates and the mandatory constitutional application.

In addressing the policy statement changes, respondent concedes there were changes made, but ignores the full scope of the change in the manner of determining a PSFV for Greatest Severity. For example PS 5100.07 (9/3/1999) states in part:

“Any drug offender whose current offense includes the following criteria shall be scored in the Greatest Severity category:

The offender was part of an organizational network and he or she organized or maintained ownership interest/profits from large-scale drug activity,

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<sup>17</sup> The Department of Justice Memorandum referenced herein, authorizes the relief requested by asserting: “... the Bureau does not have the authority to interpret the (Booker) opinion as it relates to your specific case. Again it will be up to you to petition the court that sentenced you ...”

<sup>18</sup> The BP-9 Response by the Warden states: “According to your PSR, you were a leader in a drug network which was responsible for distributing 29.6 kilograms of cocaine.” (Mr. Bey was not charged as a “leader” or with distribution in the PSR or indictment); BP-10 Response: “... You received a 3-level enhancement ...” (considering the leader role adjustment) and asserts 22.26 kilograms of cocaine; and BP-11 (same).

**\*\*\* AND \*\*\***

the drug amount equals or exceeds the amount below:  
**Cocaine** greater than or equal to 10,000 gm, 10k, or 22 lb..."<sup>19</sup>

The change to the policy statement on January 31, 2002, took a completely different approach, at the determining factor utilized to apply the PSFV for drug offenses.<sup>20</sup> This change clarifies whom to consider in applying the PSFV for a "Drug Organizer/Leader."<sup>21</sup>

To further validate petitioner's argument as to the misapplication of the PSFV, we look for support in the sentencing transcript section quoted by the respondent: <sup>22</sup>

" ... I think it's quite appropriate as the probation officer concluded that the defendant Bey operated at a lower level than Moore and Jubba and **should not be classified as a manager**, but I find ... he was deserving of the three-level enhancement as a **supervisor** ..." (Emphasis mine) [Sentencing Transcripts page 16, lines 5-15].

The accompanying page of the policy statement (PS 5100.07 Appendix G, page 2), conclusively identifies who is "NOT AN ORGANIZER/LEADER." Petitioner was determined in the transcripts to be a "supervisor" and fits in this category of the policy statement.<sup>23</sup> For this reason, respondent's application of "Leader/Organizer" in attributing the PSFV becomes an additional enhancement beyond the offense of conviction and sentence. This application could reasonably be challenged as a viable claim of "actual innocence" to the DOJ enhancement, invoking due process.<sup>24</sup>

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<sup>19</sup> Only the drug type applicable to this case is quoted.

<sup>20</sup> See [PS 5100.07 CN-2 1/31/02, Appendix G, page 1].

<sup>21</sup> The 2002 PS instructs to: "Read the: 'Offense conduct' section of the PSI and any other available information to understand what the inmate did in the criminal activity. The functions are listed in descending order of SERIOUSNESS." There are preceding titles and descriptions that follow this application of the Greater Severity PSFV.

<sup>22</sup> See [Respondent's Opposition at 8]

<sup>23</sup> Mr. Bey does not waive his preserved argument and objection, to the improper enhancement penalties in these regards, which were required to have been determined beyond a reasonable doubt.

<sup>24</sup> See Little v. United States, 2002 WL 1424581 (D. Mass.) (Unpublished opinion).

The non-retroactive effect of Booker, as addressed by Respondent is of no concern, as this case challenges events subsequent to the conviction and sentence. For the sake of arguendo, it could be reasoned that although the Supreme Court made Booker, to “... apply today’s holding ... to all case on direct review,” the section of that opinion which could reasonably be applied to the case at bar would be the pronouncement: “... with no exception for cases which the new rule constitutes a ‘clear break’ with the past.”” Quoting Griffith v. Kentucky, 479 U.S. 314, 328 (1987). This area of the Booker opinion, would lead one to reasonably infer to a situation as is presently before this court. This would be so, because a “clear break with the past” could be incorporated as a change in the FBOP’s reading and adverse application of PSR enhanced factors, derived from its own December 3, 2004, Memorandum.

Finally, petitioner concedes he was sentenced under a mandatory guideline structure prior to the pronouncement in Booker. The challenge petitioner would raise in this sense, would be to respondent’s argument: “ ... there is no indication that the Court would have sentenced Bey to a lesser term or would have declined to impose a role-in-the offense enhancement, had the court viewed the sentencing guidelines as advisory. See United States v. Casas, 425 F.3d 23, 59 (1<sup>st</sup> Cir. 2005)...”

Petitioner rebuts this presumption first, with the fact that the developed record conclusively demonstrates due diligence on petitioner’s behalf, preserving the Sixth Amendment claim delineated in Apprendi/Blakely/Booker,<sup>25</sup> as respondent concedes. See [Opposition at 2]. Secondly, this Court’s comments at sentencing, reflects that the court did not deem to have the authority to ignore the guidelines when it stated:

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<sup>25</sup> During every stage of the proceedings (Sentencing, direct appeal, and § 2255), Mr. Bey argued pro se, that the enhancement factors imposed should have been determined beyond a reasonable doubt, in accordance with the Sixth Amendment pre Apprendi v. New Jersey, 530 U.S. 466 (2000); Blakely v. Washington, 124 S. Ct. 2531 (2004); and United States v. Booker, \_\_\_ U.S. \_\_\_ 125 S. Ct. 738, 160 L. Ed 2d 621 (2005).

“... This is not an issue as to which this Court has any authority to disregard the guideline (mandatory scheme) system and the statutory provisions with respect to it ...” [Sent. Tr: page 35, lines 2-9] (Emphasis added)

Also: “... There may be differences of opinion about whether offenses of this category, drug offenses in particular, deserve the level of severity of treatment that Congress and the Guidelines Commission have determined, but those are issues to be decided in another forum, not an issue with respect to which it is appropriate for the Court to disregard the authoritative sources that it is obligated to follow in making the determination in cases before it ...”

It can appropriately be argued that this petitioner brings an action that affords this Court with the perfect “forum,” to now voice its opinion, concerning implications of the argument before it, as well as addressing whether the court would have imposed a lesser sentence had it known the guidelines were advisory.<sup>26</sup> At present respondent cannot conclusively prove otherwise. As reasoned in Casas, this would justify further development of the issue upon the remand for resentencing under § 2241.

### CONCLUSION

The Supreme Court in Marbury v. Madison, 5 U.S. 137 (1803), questioned, “if a defendant has a right, and that right has been violated, do laws of this country afford him remedy?” [5 U.S. 137, 163]. It then went on to say: “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.” “While a lawmaker is entirely free to ignore ordinary meanings of words and make definitions of its own, that device may not be employed so as to change the nature of acts or things to which words are applied.”

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<sup>26</sup>See United States v. Antonakopoulos, 399 F.3d 68 (1<sup>st</sup> Cir. 2005); United States v. Crosby, 397 F.3d 103 (2<sup>nd</sup> Cir. 2005); and United States v. Ameline, 401 F.3d 1007 (9<sup>th</sup> Cir. 2005) (en banc).

To remedy the situation of the “substantive predicates” used to govern the DOJ’s official decision making, from factors interpreted in the PSR, it is respectfully prayed this Court compel a result that requires any result reached through the PSR is contingent upon a finding that constitutionally applied predicates are met. The constitutional predicate, which compliance is sought, is through the Sixth Amendment protection, a protection that culpability for subsequent sentencing enhancements be found at no lesser standard than required of the courts, to avoid a complete miscarriage of justice.

#### EPILOGUE

Petitioner has learned a valuable lesson throughout this ordeal, and that is to stay focused on making a positive and legal contribution to his family and in society. Concerning the “entitlement” argument raised herein, petitioner focuses on the fact that he was given assurances by DOJ officials, that he could, and would earn “minimum custody (camp) placement.” On this he gave a promise and his word to his children, that he would do all that he could to earn the assured camp placement, where a possibility exists that they could walk outside together, laugh together and cry together. This would in essence remove the effect of family visiting him in an environment, where they saw and heard the harsh conditions of “gun towers”; huge metal doors and bars being slammed shut behind them; as well as everything else associated with High, Medium, or Low custody.

The tragedy of this injustice is amplified by the sobering realization that the only thing petitioner has left, after serving almost 10 years in federal custody, are his promises and his word to his children. Now, he has been placed in a position where he may disappoint his family once again. There are some instances where a person demonstrates, he may be worthy of a second chance, whereas other prisoners are comfortable with their lives in the current polluted

environment. The second chance petitioner is requesting, is the opportunity to be heard completely and fairly in this pleading, so that in the end, he will be able to show his family that he had done his very best to keep that promise.

Sincerely and Respectfully,



Joseph Bey, Jr., Pro se.

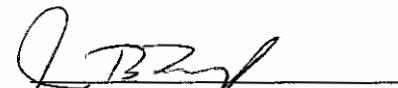
No. 21146-038

F.M.C. Devens, Box 879

Ayer, MA. 01432

**CERTIFICATE OF SERVICE**

I Joseph Bey, Jr. do hereby affirm and attest that I have mailed a copy of the attached motion to the office of the Respondent/Defendant's legal counsel at the Office of the U.S. Attorney One Courthouse Way Boston, Ma. 02210, by first class pre paid mail, on this 30th<sup>th</sup> day of November 2005. Signed pursuant to the provisions of 28 U.S.C. § 1746.



Joseph Bey, Jr., Pro se.

No. 21146-038

F.M.C. Devens Box 879

Ayer, MA. 01432

Cc: JBJ/pet

TN/Attorney

DOJ/AUSA

PS 5100.07

9/3/99

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U.S. ATTORNEY'S OFFICE

## OFFENSE SEVERITY SCALE

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## GREATEST SEVERITY

**Aircraft Piracy** - placing plane or passengers in danger  
**Arson** - substantial risk of death or bodily injury  
**Assault** - serious bodily injury intended or permanent or life threatening bodily injury resulting)  
**Car Jacking** - any  
**Drug Offense** - see criteria below\*  
**Escape** - closed institution, secure custody, force or weapons used  
**Espionage** - treason, sabotage, or related offenses  
**Explosives** - risk of death or bodily injury  
**Extortion** - weapon or threat of violence  
**Homicide or Voluntary Manslaughter** - any  
**Kidnapping** - abduction, unlawful restraint, demanding or receiving ransom money  
**Robbery** - any  
**Sexual offenses** - rape, sodomy, incest, carnal knowledge, transportation with coercion or force for commercial purposes  
**Toxic Substances/Chemicals:** - weapon to endanger human life  
**Weapons** - distribution of automatic weapons, exporting sophisticated weaponry, brandishing or threatening use of a weapon

\* Any **drug offender** whose current offense includes the following criteria shall be scored in the Greatest severity category:

The offender was part of an organizational network and he or she organized or maintained ownership interest/profits from **large-scale** drug activity,

\*\*\*AND\*\*\*

the drug amount equals or exceeds the amount below:

**Cocaine** - greater than or equal to 10,000 gm, 10 K, or 22 lb  
**Cocaine Base "Crack"** - greater than or equal to 31 gm  
**Hashish** - greater than or equal to 250,000 gm, 250 K, or 551 lb  
**Marijuana** - greater than or equal to 620,000 gm, 620 K, or 1,367 lb  
**PCP** - greater than or equal to 100,000 mg, 100 gm, or 20,000 dosage units  
**Heroin or Opiates** - greater than or equal to 2,000 gm, 2 K, or 4.4 lb  
**Methamphetamine** - greater than or equal to 16,000 gm, 17 K, or 35 lbs  
**Other illicit drugs:** - Amphetamine, Barbiturates, LSD, etc. greater than or equal to 250,000 dosage units

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CN-2 1/31/2002  
Chapter 7, Page 6A

#### **DISCONTINUED PUBLIC SAFETY FACTORS**

- D** Firearms
- E** High Drug
- J** Designation Assessment

**REQUEST FOR PUBLIC SAFETY FACTOR WAIVER.** Only the Regional Director or designee is authorized to waive a PSF. A request for waiver of a PSF shall be submitted to the Regional Office via GroupWise form EMS 409, available on BOPDOCS. The form shall be completed as described below:

- (1) This item should indicate the request is for waiver of a Public Safety Factor.
- (2) This item should indicate whether the inmate agrees with the recommended team action. If appropriate, an explanation should be provided.
- (3) This item should include current, complete, and accurate information concerning any medical problems the inmate is experiencing.
- (4) This item should include a brief description of the inmate's adjustment during this period of incarceration.
- (5) This item should provide disciplinary information including all actions reflected on the current Custody Classification Form (BP-338). Significant histories should be summarized.
- (6) It is important that the rationale include complete and specific information providing justification to support the requested action.
- (7) Indicate whether or not the inmate is eligible for a parole hearing. If yes, indicate the date of the hearing.

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CN-2 1/31/2002  
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**DRUG ORGANIZER/LEADER  
EXPLANATION OF FUNCTION DEFINITIONS**

Read the "Offense Conduct" section of the PSI and any other available information to understand what the inmate did in the criminal activity. The functions are listed in descending order of SERIOUSNESS.

**DRUG ORGANIZER/LEADER**

**Importer/High-Level Supplier:** imports or otherwise supplies large quantities of drugs; is at or near the top of the distribution chain; has ownership interest in drugs (not merely transporting drugs for another individual); usually supplies drugs to other drug distributors and does not deal in retail amounts; may employ no or very few subordinates.

**Organizer/Leader:** organizes, leads, directs, or otherwise runs a drug distribution organization. Receives the largest share of the profits and has the greatest decision-making authority.

**Grower/Manufacturer:** grows, cultivates, or manufactures a controlled substance, and is the principal owner of the drugs. (Keep in mind, the intent of this definition is to capture the individual who has the capability to manufacture enormous amounts of drugs in his garage/lab for example, and not the individual who is growing only five marijuana plants in his basement.)

**Financier/Money Launderer:** provides money for purchase, importation, manufacture, cultivation, transportation, or distribution of drugs; launders proceeds of drug sales or purchases.

**Aircraft Pilot/Vessel Captain:** pilots vessel or aircraft; requires special skill; does not include inmate who is the only participant directing a small boat (i.e., a speed boat) onto which drugs had been loaded from a "mother ship" (such person is a courier).

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**NOT A DRUG ORGANIZER/LEADER**

**Manager:** serves as a lieutenant to assist one of the above; manages all or a significant portion of the manufacturing, importation, or distribution operation; takes instructions from one of the above and conveys to subordinates; directly supervises at least one other co-participant in an organization of at least five co-participants.

**Bodyguard/Strongman/Debt Collector:** provides physical and personal security for another co-participant in the offense; collects debts owed, or punishes recalcitrant persons.

**Chemists/Cooks/Chemical Supplier:** produces LSD, methamphetamine, crack cocaine, or other illegal drugs, but does not qualify as a Grower/Manufacturer because he/she is not the principal owner of the drugs. Chemical supplier does not handle drugs themselves but engages in the unlawful diversion, sale, or furnishing of listed chemicals or equipment used in the synthesis or manufacturing of controlled substances.

**Supervisor:** supervises at least one other co-participant, however, has limited authority and does not qualify as a Manager.

**Street-Level Dealer:** distributes retail quantities directly to the user.

**Broker/Steerer/Go-Between:** arranges for two parties to buy/sell drugs, or directs potential buyer to a potential seller.

**Courier:** transports or carries drugs with the assistance of a vehicle or other equipment. Includes situations where inmate, who is otherwise considered to be a crew member, is the only participant directing a vessel (e.g., a speed boat) onto which drugs had been loaded from a "mother ship".

**Mule:** transports or carries drugs internally or on their person, often by airplane, or by walking across a boarder. Also includes an inmate who only transports or carries drugs in baggage, souvenirs, clothing, or otherwise.

**Renter/Storer:** provides (for profit/compensation) own residence, structures (barns, storage bins, buildings), land, or equipment for use to further the offense. This inmate is distinguished from the enabler because he/she is paid (in some way) for his/her services.

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**Money runner:** transports/carries money and/or drugs to and from the street-level dealer.

**Off-loader/Loader:** performs the physical labor required to put large quantities of drugs into storage, hiding, or onto some mode of transportation.

**Gopher/Lookout/Deckhand/Worker/Employee:** performs very limited, low-level function in the offense (whether or not ongoing); includes running errands, answering the telephone, receiving packages, packaging the drugs, manual labor, acting as lookout to provide early warnings during meetings, exchanges, or off-loading, or acting as deckhand/crew member on vessel or aircraft used to transport large quantities of drugs.

**Enabler** (Passive): plays no more than a passive role in the offense, knowingly permitting a certain unlawful criminal activity to take place without actually being involved with the activity; may be coerced or unduly influenced to play such a function (e.g., a parent or grandparent threatened with displacement from a home unless they permit the activity to take place), or may do so as "a favor" (without compensation).

**User Only:** possessed small amount of drugs apparently for personal use only; no apparent function in any conspiratorial criminal activity.

**Wholesaler:** sells more than retail/user-level quantities (greater than one ounce) in a single transaction.

11:49:23

REGNO: 21146-038  
(A) NAME....: BEY  
SEN LIMT....: NONE  
PUB SAFETY...: GRT SVRTY, SENT LGTH

FORM DATE: 02-09-1999  
JOSEPH B  
MGMT VARIABLE..: LT SECU  
MV EXPIRE: 06-08-1999

ORG: RBK

(B) DETAINER: (0) NONE SEVERITY.....: (7) GREATEST  
LENGTH.....: (5) 84 PLUS MOS (MONTHS): 239  
PRIOR.....: (3) SERIOUS ESCAPES.....: (0) NONE  
VIOLENCE....: (4) > 15 YRS SERIOUS PRECOMMT STATUS: (0) N/A

(C) TIME SERVED.....: (3) 0-25% DRUG/ALC INVOLV: (2) PAST 5 YRS  
MENT/PSYCH STABILITY: (4) FAVORABLE TYPE DISCIP RPT: (5) NONE  
FREQ DISCIP REPORT..: (3) NONE RESPONSIBILITY.: (4) GOOD  
FAMILY/COMMUN TIES...: (4) GOOD

===== LEVEL AND CUSTODY SUMMARY =====  
BASE SCORE CUST SCORE VARIANCE SEC TOTAL SEC LEVEL CUSTODY CONSIDER  
+19 +25 0 +19 HIGH IN SAME

(D) TYPE REVIEW NEW CUSTODY APPROVED: YES NO NEXT REVIEW: G-89  
~~REGULAR~~ MAX CHAIRPERSON SIGNATURE....:  
~~EXCEPTION~~ IN WARDEN/DESIGNEE SIGNATURE  
OUT COM FOR EXCEPTION REVIEW: C Sill C Si

REASON(S) FOR NOT FOLLOWING FORM'S RECOMMENDATION:

COPY: CENTRAL FILE, SECTION TWO  
INMATE

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

RBKMJ 607.00 \*  
PAGE 001 OF 001

## CUSTODY CLASSIFICATION FORM

\* 07-31-1999  
08:54:37REGNO: 21146-038  
(A) NAME....: BEY  
SEN LIMT....: NONE  
PUB SAFETY...: GRT SVRTY, SENT LGTHFORM DATE: 07-31-1999  
JOSEPH B  
MGMT VARIABLE..: LT SECU  
MV EXPIRE: 07-21-2000

ORG: RBK

(B) DETAINER: (0) NONE  
LENGTH.....: (5) 84 PLUS MOS (MONTHS): 239  
PRIOR.....: (3) SERIOUS  
VIOLENCE....: (4) > 15 YRS SERIOUSSEVERITY.....: (7) GREATEST  
ESCAPES.....: (0) NONE  
PRECOMMT STATUS: (0) N/A(C) TIME SERVED.....: (3) 0-25%  
MENT/PSYCH STABILITY: (4) FAVORABLE  
FREQ DISCIP REPORT..: (2) 1  
FAMILY/COMMUN TIES..: (4) GOODDRUG/ALC INVOLV: (2) PAST 5 YRS  
TYPE DISCIP RPT: (4) 1 LOW MOD  
RESPONSIBILITY.: (2) AVERAGE

===== LEVEL AND CUSTODY SUMMARY =====

BASE SCORE	CUST SCORE	VARIANCE	SEC TOTAL	SEC LEVEL	CUSTODY	CONSIDER
+19	+21	0	+19	HIGH	IN	SAME

(D) TYPE REVIEW      NEW CUSTODY      APPROVED: YES NO      NEXT REVIEW: 2/2000

<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> MAX	CHAIRPERSON SIGNATURE....:	<u>C. Sullivan CS</u>
<input checked="" type="checkbox"/> EXCEPTION	<input type="checkbox"/> IN	WARDEN/DESIGNEE SIGNATURE	
	<input type="checkbox"/> OUT		
	<input type="checkbox"/> COM	FOR EXCEPTION REVIEW:	

REASON(S) FOR NOT FOLLOWING FORM'S RECOMMENDATION:

COPY: CENTRAL FILE, SECTION TWO  
INMATE

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

RBKMJ  
PAGE 002

## PROGRAM REVIEW REPORT

01-28-2000  
13:25:58

CCC RECOMMENDATION: Will consider if eligible when 1yr. from release.

PROGRESS MADE SINCE LAST REVIEW: Maintained clear conduct, good work reports, completed Standard of living. Participating in FRP.

GOALS FOR NEXT PROGRAM REVIEW MEETING: Maintain clear conduct. Good work reports and good sanitation. Continue to participate in counseling programs. Continue to participate in FRP.

LONG TERM GOALS: Reduce security level, establish a solid release plan which includes a firm offer of resistance or caps/buyout. Determine if rehabeation will be necessary (Colorado) Save a substantial amount of \$ for release.

OTHER INMATE REQUESTS/TEAM ACTIONS:

RBKMJ 607.00 \*  
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## MALE CUSTODY CLASSIFICATION FORM \*

02-08-2000  
13:52:42REGNO: 21146-038  
(A) NAME....: BEY  
DES FACL/LEV: RBK /MEDIUM  
PUBSFTY: GRT SVRTY, SENT LGTHFORM DATE: 02-08-2000  
JOSEPH B  
MGTV: NONE  
MVED:(B) DETAINER: (0) NONE  
MOS REL....: 238  
PRIOR.....: (0) NONE  
VIOLENCE....: (2) > 15 YRS SERIOUSSEVERITY.....: (7) GREATEST  
ESCAPES.....: (0) NONE  
PRECOMMT STATUS: (0) N/A(C) TIME SERVED....: (3) 0-25%  
MENT/PSYCH STABILITY: (4) FAVORABLE  
FREQ DISCIP REPORT..: (2) 1  
FAMILY/COMMUN TIES..: (4) GOODDRUG/ALC ABUSE.: (3) > 5 YRS  
TYPE DISCIP RPT: (4) 1 LOW MOD  
RESPONSIBILITY.: (2) AVERAGE

LEVEL AND CUSTODY SUMMARY											
BASE	CUST	VARIANCE	SEC	TOTAL	SCORED	LEV	MGMT	SEC	LEVEL	CUSTODY	CONSIDER
+9	+22	0		+9		MEDIUM		N/A		IN	SAME
(D) TYPE REVIEW      NEW CUSTODY      APPROVED: <u>YES</u> NO    NEXT REVIEW: <u>2-2001</u>											
<del>REGULAR</del> <del>EXCEPTION</del>										<u>CSullivan CSur</u>	
CHAIRPERSON SIGNATURE....: WARDEN/DESIGNEE SIGNATURE FOR EXCEPTION REVIEW:											

REASON(S) FOR NOT FOLLOWING FORM'S RECOMMENDATION:

COPY: CENTRAL FILE, SECTION TWO  
INMATE

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

RBKMJ  
PAGE 001

## PROGRAM REVIEW REPORT

08-05-2000  
09:10:10

INSTITUTION: RBK RAY BROOK FCI

NAME.....: BEY, JOSEPH B  
RESIDENCE...: HYANNIS, MA 02601

REG. NO: 21146-038

TYPE OF REVIEW.....: INITIAL CLASSIFICATION PROGRAM REVIEW  
NEXT REVIEW DATE....: 2-2001PROJ. RELEASE DATE..: 12-29-2019  
PAROLE HEARING DATE.: NONERELEASE METHOD.: GCT REL  
HEARING TYPE...: NONEDATE OF NEXT CUSTODY REVIEW: 2-2001DETAINERS (Y/N): NCIM STATUS (Y/N)....: (Y)IF YES, RECONCILED (Y/N): OKPENDING CHARGES.....: None knownOFFENDER IS SUBJECT TO NOTIFICATION UNDER 18 U.S.C. 4042(B) (Y/N)....: PV, CD

CATEGORY	CURRENT ASSIGNMENT	EFF DATE	TIME	
CMA	PROG RPT	NEXT PROGRESS REPORT DUE DATE	07-21-2001	1556
CMA	RPP NEEDS	RELEASE PREP PGM NEEDS	12-29-2017	1559
CMA	V94 CDA913	V94 CURR DRG TRAF ON/AFT 91394	08-07-1998	1556
CMA	V94 PV	V94 PAST VIOLENCE	08-07-1998	1556
CUS	IN	IN CUSTODY	06-08-1998	1010
DRG	DRG E COMP	DRUG EDUCATION COMPLETED	03-30-1999	1028
DRG	DRG I NONE	NO DRUG INTERVIEW REQUIRED	08-07-1998	1555
EDI	ESL HAS	ENGLISH PROFICIENT	07-16-1998	1515
EDI	GED HAS	COMPLETED GED OR HS DIPLOMA	03-11-1999	0001
FRP	PART	FINANC RESP-PARTICIPATES	08-10-1998	1400
LEV	MEDIUM	SECURITY CLASSIFICATION MEDIUM	01-28-2000	1324
MDS	REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	08-05-1998	1606
MDS	YES F/S	CLEARED FOR FOOD SERVICE	07-29-1998	0001
QTR	G07-250U	HOUSE G/RANGE 07/BED 250U	02-16-2000	1008
RLG	OTHER	OTHER RELIGION	01-28-2000	1329
WRK	TOOL ROOM	TOOL ROOM	12-22-1999	0001

WORK PERFORMANCE RATING: Tool room - excellent work reports -  
demonstrates good responsibility. Grade 1.INCIDENT REPORTS SINCE LAST PROGRAM REVIEW: Close contact w-99  
(40+ level incident report for loss - I month old property)FRP PLAN/PROGRESS: Participation in a \$25 Air Walk-a-thon -  
Charged for missing payments \$275 bal./400RELEASE PREPARATION PARTICIPATION: Release plans are unsure.  
Has 5 years of S.R. in Dist. of Mass.

RBKMJ  
PAGE 002

## PROGRAM REVIEW REPORT

08-05-2000  
09:10:10

CCC RECOMMENDATION: Will discuss when approx 12 months from release.

PROGRESS MADE SINCE LAST REVIEW: Maintained clear conduct, good work reports and made FEP payments

GOALS FOR NEXT PROGRAM REVIEW MEETING: You have not participated in any program this past 6 months. Recommend Business Program (Mr. Stone) begin by October 1, 2000 and complete by December 30, 2000. Also consider Workplace Basics Program begin by Oct 1, complete by Dec 1, 2000. Maintain clear conduct, good work reports and continue to participate in FEP.

LONG TERM GOALS: Reduce Custody/Security levels, complete FEP obligations and establish a solid release plan, you should complete a release program prior to release and some \$\$. Attempt to secure a halfway home prior to release.

OTHER INMATE REQUESTS/TEAM ACTIONS: You are subject to the VCCER notification based on your current Federal Drug Trafficking crime and prior conviction of a crime of violence.

RBKMJ 607.00 \*  
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## MALE CUSTODY CLASSIFICATION FORM \*

02-06-2001  
09:05:58REGNO: 21146-038  
(A) NAME....: BEY  
DES FACL/LEV: RBK /MEDIUM  
PUBSFTY: GRT SVRTY, SENT LGTHFORM DATE: 02-06-2001  
JOSEPH B  
MGTV: NONE  
MVED:

ORG: RBK

(B) DETAINER: (0) NONE  
MOS REL.....: 226  
PRIOR.....: (0) NONE  
VIOLENCE....: (2) > 15 YRS SERIOUSSEVERITY.....: (7) GREATEST  
ESCAPES.....: (0) NONE  
PRECOMMT STATUS: (0) N/A(C) TIME SERVED....: (3) 0-25%  
MENT/PSYCH STABILITY: (4) FAVORABLE  
FREQ DISCIP REPORT..: (3) NONE  
FAMILY/COMMUN TIES.: (4) GOODDRUG/ALC ABUSE.: (3) > 5 YRS  
TYPE DISCIP RPT: (5) NONE  
RESPONSIBILITY.: (4) GOOD===== LEVEL AND CUSTODY SUMMARY =====  
BASE CUST VARIANCE SEC TOTAL SCORED LEV MGMT SEC LEVEL CUSTODY CONSIDER  
+9 +26 -2 +7 LOW N/A IN DECREASE(D) TYPE REVIEW NEW CUSTODY APPROVED:  YES  NO NEXT REVIEW: 2-6-03  
REGULAR MAX CHAIRPERSON SIGNATURE....: John Act v/m  
 EXCEPTION IN WARDEN/DESIGNEE SIGNATURE  
OUT  
COM FOR EXCEPTION REVIEW: \_\_\_\_\_REASON(S) FOR NOT FOLLOWING FORM'S RECOMMENDATION: Due to history  
of serious violence, sentence length and GS  
PSF, out custody is not appropriate at  
this time.COPY: CENTRAL FILE, SECTION TWO  
INMATEG5149 INMATE/DESIG FACL LEVEL MISMATCHED, HAVE REGION ADD A MGTV  
G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

RBKMJ  
PAGE 001

## PROGRAM REVIEW REPORT

02-06-2001  
09:06:26

INSTITUTION: RBK RAY BROOK FCI

NAME.....: BEY, JOSEPH B  
RESIDENCE..: HYANNIS, MA 02601

REG. NO: 21146-038

TYPE OF REVIEW.....: INITIAL CLASSIFICATION **PROGRAM REVIEW**  
NEXT REVIEW DATE....: 8-6-01PROJ. RELEASE DATE...: 12-29-2019  
PAROLE HEARING DATE.: NONERELEASE METHOD.: GCT REL  
HEARING TYPE...: NONEDATE OF NEXT CUSTODY REVIEW: 8-6-02DETAINERS (Y/N): NCIM STATUS (Y/N)....: YIF YES, RECONCILED (Y/N): JKPENDING CHARGES.....: UnknownOFFENDER IS SUBJECT TO NOTIFICATION UNDER 18 U.S.C. 4042(B) (Y/N)....: P/C  
IF YES - CIRCLE ONE - DRUG TRAFFICKING/CURRENT VIOLENCE/PAST VIOLENCE

CATEGORY	CURRENT ASSIGNMENT	EFF DATE	TIME	
CMA	PROG RPT	NEXT PROGRESS REPORT DUE DATE	07-21-2001	1556
CMA	RPP NEEDS	RELEASE PREP PGM NEEDS	12-29-2017	1559
CMA	V94 CDA913	V94 CURR DRG TRAF ON/AFT 91394	08-07-1998	1556
CMA	V94 PV	V94 PAST VIOLENCE	08-07-1998	1556
CUS	IN	IN CUSTODY	06-08-1998	1010
DRG	DRG E COMP	DRUG EDUCATION COMPLETED	03-30-1999	1028
DRG	DRG I NONE	NO DRUG INTERVIEW REQUIRED	08-07-1998	1555
EDI	ESL HAS	ENGLISH PROFICIENT	07-16-1998	1515
EDI	GED HAS	COMPLETED GED OR HS DIPLOMA	03-11-1999	0001
FRP	PART	FINANC RESP-PARTICIPATES	08-10-1998	1400
LEV	LOW	SECURITY CLASSIFICATION LOW	02-06-2001	0905
MDS	REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	08-05-1998	1606
MDS	YES F/S	CLEARED FOR FOOD SERVICE	07-29-1998	0001
QTR	G07-250L	HOUSE G/RANGE 07/BED 250L	10-02-2000	1117
RLG	OTHER	OTHER RELIGION	01-28-2000	1329
WRK	TOOL ROOM	TOOL ROOM	12-22-1999	0001

WORK PERFORMANCE RATING: Tool Room A/c. Mr. Saylor's tool  
of Work Area Detained excellent WorkerINCIDENT REPORTS SINCE LAST PROGRAM REVIEW: Clear Conduct since  
6-8-9.FRP PLAN/PROGRESS: Participate 25/month on 700 account  
Balance = 175RELEASE PREPARATION PARTICIPATION: Will begin 12-27-2007.

RBK MJ  
PAGE 002

## PROGRAM REVIEW REPORT

02-06-2001  
09:06:26

CCC RECOMMENDATION: Will discuss when 11-13 month  
from release.

PROGRESS MADE SINCE LAST REVIEW: Clear conduct. Excellent  
Work reports and Enrolled in NFPT.

GOALS FOR NEXT PROGRAM REVIEW MEETING: Continue to participate  
in NFPT - Complete by July 1, 2001.  
Send \$25/month so send name - Child support.

LONG TERM GOALS: Persue Distance Education Pgm  
in Business Law.

OTHER INMATE REQUESTS/TEAM ACTIONS: Subject to UCCLEA  
notification requirements.

If you are now a Low Level inmate:  
Will consider transfer to low level  
facility (CFT, Devens).

DEVBA 607.00 \*  
PAGE 001 OF 001

## MALE CUSTODY CLASSIFICATION FORM

06-21-2001  
15:24:26REGNO: 21146-038  
(A) NAME....: BEY  
DES FACL/LEV: DEV LOW /LOW  
PUBSFTY: GRT SVRTY, SENT LGTHFORM DATE: 06-21-2001  
JOSEPH B  
MGTV: NONE  
MVED:

ORG: DEV

(B) DETAINER: (0) NONE  
MOS REL....: 222  
PRIOR.....: (0) NONE  
VIOLENCE....: (2) > 15 YRS SERIOUSSEVERITY.....: (7) GREATEST  
ESCAPES.....: (0) NONE  
PRECOMMT STATUS: (0) N/A(C) TIME SERVED....: (4) 26-75%  
MENT/PSYCH STABILITY: (4) FAVORABLE  
FREQ DISCIP REPORT.: (3) NONE  
FAMILY/COMMUN TIES.: (4) GOODDRUG/ALC ABUSE.: (3) > 5 YRS  
TYPE DISCIP RPT: (5) NONE  
RESPONSIBILITY.: (4) GOOD

LEVEL AND CUSTODY SUMMARY							
BASE	CUST	VARIANCE	SEC	TOTAL	SCORED	LEV	MGMT
+9	+27	-3		+6	LOW	N/A	

(D) TYPE REVIEW      NEW CUSTODY      APPROVED:  YES  NO      NEXT REVIEW: 6/21/2002

<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> MAX	CHAIRPERSON SIGNATURE....
<input checked="" type="checkbox"/> EXCEPTION	<input type="checkbox"/> IN	<input type="checkbox"/> WARDEN/DESIGNEE SIGNATURE
	<input type="checkbox"/> OUT	
	<input type="checkbox"/> COM	FOR EXCEPTION REVIEW:

*D. Patterson*

REASON(S) FOR NOT FOLLOWING FORM'S RECOMMENDATION:

A reduction in custody is not warranted at this time due to Mr. Bey's PSF 8

Greatest Severity & Sentence Length.

Additionally, Mr. Bey has 222 months remaining

COPY: CENTRAL FILE, SECTION TWO  
INMATE *to serve.*

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

REGNO: 21146-038 LNAME: BEY OBLG NO: 1 FUNC: DIS  
FIN DOC NO: 1 FRP ASGN: PART CAUSE OF ACTION: XCVF  
TYPE OBLG.: ASSESSMENT USDC COJ/COJ OV: FMA DOCKET NO: 1:96CR10178-003 DATE IMPOSED.: 03-11-1998  
AMT IMP...: 400.00 WHEN PAYABLE.: IMMEDIATE  
USAO NO...:  
OBLG STATUS..: COMPLETEDZ  
FIXED PAYMENT AMT.....:  
CALCULATED EXPIRATION DATE...: 03-11-2003 MANUAL EXPIRATION DATE:  
FINANCIAL LITIGATION UNIT ADDRESS:  
ONE COURTHOUSE WAY  
U.S. COURTHOUSE SUITE 9200  
BOSTON MA 02210  
COMM NO: AREA: 617 NO: 748-3309 EXT:  
FTS NO: AREA: NO: EXT: FAX NO: AREA: 617 NO: 748-3972  
  
TOTPAY(-): 400.00 TOTREF(+): 0.00 TOTCOR(+): 0.00  
OBLG BALANCE...: 0.00 DT LAST PAYMENT.: 09-06-2002  
DT LAST REFUND: DT FINAL PAYMENT: 09-06-2002  
DT OBLG ADDED.: 07-30-1998 DT LAST UPDATED.: 09-06-2002 USERID: AUTODED

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

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17:27:45

## (A) IDENTIFYING DATA

FORM DATE: 09-13-2004

ORG: DEV

REG NO...: 21146-038  
NAME.....: BEY, JOSEPH B

CR HX PT: 5

PUB SFTY: GRT SVRTY, SENT ~~LGTH~~

MGTV: NONE

MVED:

## (B) BASE SCORING

SEVERITY.....: (7) GREATEST

PRIOR.....: (0) NONE

VIOLENCE.....: (2) &gt; 15 YRS SERIOUS

DETAINER: (0) NONE  
MOS REL.: 183  
ESCAPES.: (0) NONE  
PRECOMMT: (0) N/A

## (C) CUSTODY SCORING

TIME SERVED.....: ~~(4)~~ 26-75% DRUG/ALC ABUSE.: (3) > 5 YRS

MENTAL STABILITY: (4) FAVORABLE TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT.: (3) NONE RESPONSIBILITY.: (4) GOOD

FAMILY/COMMUN....: (4) GOOD

## --- LEVEL AND CUSTODY SUMMARY ---

BASE CUST VARIANCE	SEC TOTAL	SCORED LEV	MGMT SEC	LEVEL	CUSTODY	CONSIDER
+9	+27	-3	+6	LOW	N/A	IN

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED